

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Wyoming State Office**

**RECORD OF DECISION
FOR THE
ENVIRONMENTAL IMPACT STATEMENT**

on the

**CAVE GULCH-BULLFROG-WALTMAN
NATURAL GAS DEVELOPMENT PROJECT**

Natrona County, Wyoming

August 1997

CAVE GULCH-BULLFROG-WALTMAN AREA

RECORD OF DECISION

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LIST OF ACRONYMS/ABBREVIATIONS

Ac or ac	acres
ACEC	Area of Critical Environmental Concern
AD	administrative determination
ANS	artificial nesting structure
AO	Authorized Officer
APD	Application for Permit to Drill
AQD	Air Quality Department
bbl	barrel
BLM	Bureau of Land Management
CGBW	Cave Gulch-Bullfrog-Waltman
CIG	Colorado Interstate Gas Company
COE	U.S. Corps of Engineers
CWA	Clean Water Act
CX	categorical exclusion
DEIS	Draft Environmental Impact Statement
DEQ	Department of Environmental Quality
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ERRP	Erosion, Revegetation, and Reclamation Plan
F	Fahrenheit
FEIS	Final Environmental Impact Statement
FWS	U.S. Fish and Wildlife Service
GRAA	Greater Cave Gulch Raptor Analysis Area
ID	interdisciplinary
KRA	Key Raptor Area
lbs	pounds
mm	millimeter
MSDS	Material Safety Data Sheet
NEPA	National Environmental Policy Act
NOS	Notice of Staking
NPDES	National Pollutant Discharge Elimination System
NSO	No Surface Occupancy
OSHA	Occupational Safety and Health Administration
PLS	pure live seed
POD	Plan of Development
PPP	pollution prevention plan
RCRA	Resource Conservation and Recovery Act
RMMP	Raptor Management and Monitoring Plan
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-Way
SARA	Superfund Amendments and Reauthorization
SPCC	spill prevention control and countermeasures
SPPP	Stormwater Pollution Prevention Plan
TPQ	threshold planning quantity
USDI	United States Department of the Interior
WDEQ	Wyoming Department of Environmental Quality
WGFD	Wyoming Game and Fish Department
WOGCC	Wyoming Oil and Gas Conservation Commission

**BUREAU OF LAND MANAGEMENT
CASPER DISTRICT
PLATTE RIVER RESOURCE AREA**

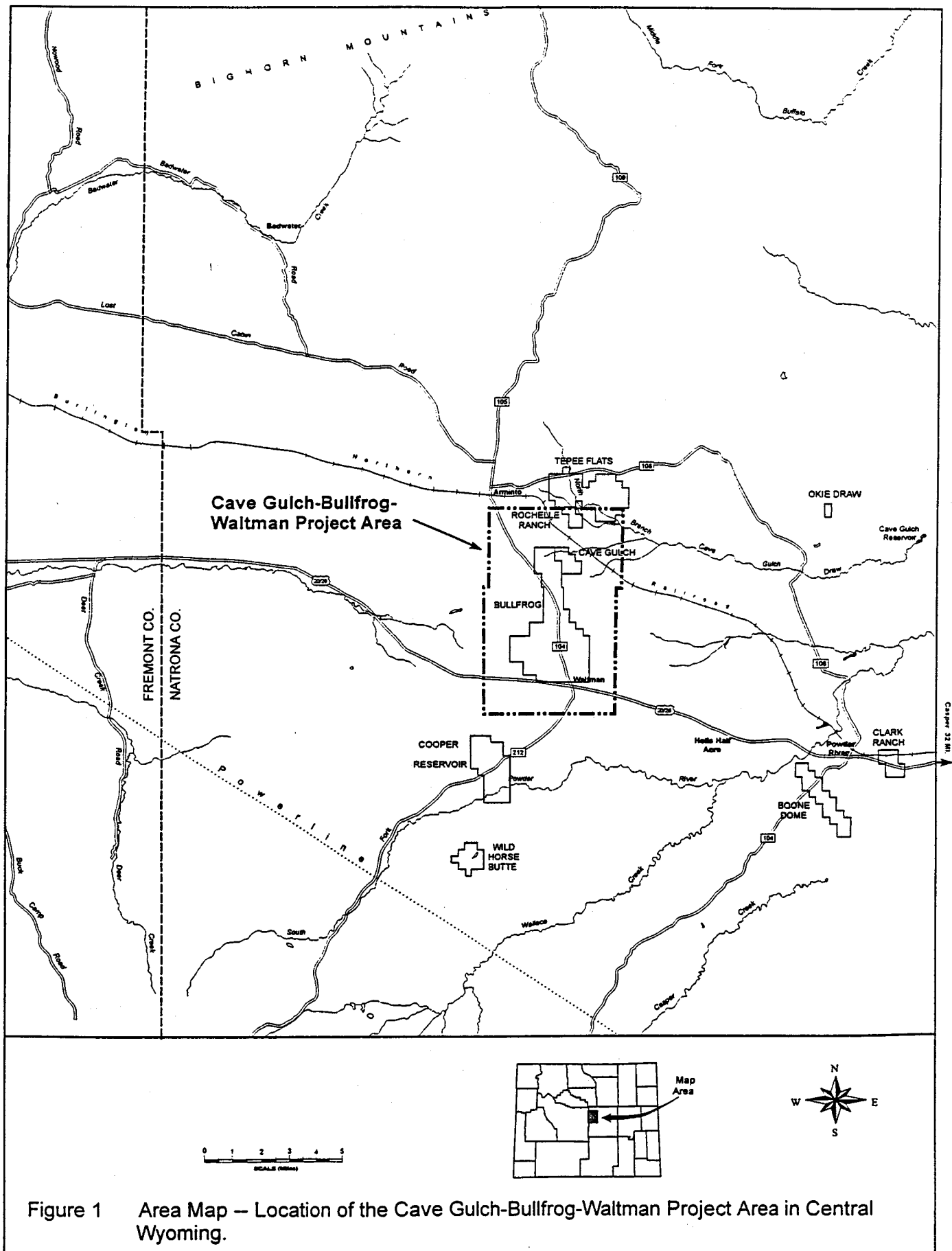
**RECORD OF DECISION
for
CAVE GULCH-BULLFROG-WALTMAN
NATURAL GAS DEVELOPMENT PROJECT
NATRONA COUNTY, WYOMING
ENVIRONMENTAL IMPACT STATEMENT**

This document records the decision made by the Bureau of Land Management for managing public land surface and federal mineral estate in the *Cave Gulch-Bullfrog-Waltman Natural Gas Development Project*. The Cave Gulch-Bullfrog-Waltman project area is located in Natrona County, Wyoming within Townships 36 and 37 North (T36-37N), Ranges 86 and 87 West (R86-87W), 6th Principal Meridian. The project area encompasses approximately 25,093 acres of mixed federal, State, and private lands. Of this total, approximately 7,375 acres of surface estate are administered by the U.S. Department of the Interior (USDI), Bureau of Land Management (BLM); 1,244 acres of surface estate are managed by the State of Wyoming; and, 16,474 acres of surface estate are privately owned. Within the project area, 76.5 percent of the mineral estate is federal (19,182 acres), 3.2 percent is State (806 acres), and 20.3 percent is private (5,105 acres). See Figure 1 for the project location.

DECISION

The Bureau of Land Management approves the Cave Gulch-Bullfrog-Waltman (CGBW) Operators Proposed Action for the development and production of natural gas on public lands, as modified by the mitigation and monitoring provisions outlined herein. The decision approving the Proposed Action recognizes that the area of the CGBW project has had natural gas development since 1959, that substantial undeveloped natural gas resources still remain, and that there are other important natural resources and values within the area which require consideration and protection from unnecessary or undue degradation. Based on the environmental analysis of the Proposed Action and alternatives documented in the *Cave Gulch-Bullfrog-Waltman Natural Gas Development Project Draft Environmental Impact Statement (DEIS)*, February 1997, and the *Cave Gulch-Bullfrog-Waltman Natural Gas Development Project Final Environmental Impact Statement (FEIS)*, June 1997, the BLM's decision incorporates restrictions and mitigation measures in consideration of Federal, State, and local agencies, and public comments received on the DEIS and FEIS. The decision allows the development of natural gas to meet public needs, while providing maximum consideration for protection of the natural environment, to result in the least degree of an irreversible or irretrievable commitment of natural resources and values.

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This decision applies only to the public land surface and federal mineral estate subject to administration by the BLM. All activities during the development, operation and production and abandonment phases of the project would be conducted in compliance with all applicable Federal, State and County laws, regulations, and stipulations. This decision is based on the Environmental Impact Statement (EIS) completed for the proposal. The EIS is guided by the BLM's *Platte River Resource Area, Resource Management Plan* (RMP), 1985, which describes the planning decisions for public land management within the Platte River Resource Area. Comments received during the initial scoping period, the 45-day comment period for the DEIS, and the 30-day comment period for the FEIS were taken into consideration.

The environmentally preferred alternative for the CGBW Natural Gas Development project is the Proposed Action. The BLM believes that the Proposed Action complies with the National Environmental Policy Act's (NEPA) Section 101 equally as well as Alternatives A and B. The Proposed Action: (1) best meets the BLM statutory mission under the Mineral Leasing Act and the Federal Land Policy and Management Act; (2) identifies required mitigation which includes all reasonable and practicable means to avoid or minimize environmental harm from the proposed development; and (3) includes a monitoring program to ensure implementation and maintenance of necessary mitigation.

Approval of the Proposed Action and individual project components are subject to the administrative requirements and conditions of approval listed herein, as well as the applicable applicant-committed practices and the environmental standards, procedures, and requirements specified in Appendices A and B of this Record of Decision (ROD). These measures are also set forth in Chapters 2, 4 and 5; and, Appendices A, B, and D of the DEIS; and, in Section 2 of the FEIS. The administrative requirements and conditions of approval, applicable applicant-committed practices, and the environmental standards, procedures, and requirements specified in this ROD include mitigation, stipulations, or protective measures incorporated as a result of comments received on the FEIS.

Approval of the Proposed Action and individual project components is conditioned upon and subject to the following pre-authorization administrative requirement: Before any permit is issued authorizing an action on public lands (i.e., Application for Permit to Drill, Sundry Notice, or Right-of-Way), the final location for each well site, access road, pipeline, or other facility will be evaluated site-specifically through a categorical exclusion (CX), an administrative determination (AD), or an environmental assessment (EA) in accordance with the BLM NEPA Handbook (H-1790-1). Documentation will be on BLM Forms WY-1791-06 (CX), WY-1790-06 (AD), or WY-1792-08 (EA). In rare cases, a more in-depth EA than is provided for by use of form WY-1792-08 may be required to conduct the site-specific evaluation. In addition, the pre-authorization and/or administrative requirements contained in Appendix A, Section 1, of this ROD will apply to approval of the Proposed Action and individual project components.

The DEIS, FEIS, and comment letters received on the FEIS may be reviewed by contacting the Area Manager, Platte River Resource Area at the following address: BLM Area Manager, Platte River Resource Area, P.O. Box 2420 (815 Connie Street), Mills, Wyoming 82644. A limited number of copies of the DEIS and FEIS are available for distribution beyond those provided to parties on the DEIS and FEIS mailing lists.

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APPROVED PROJECT COMPONENTS

This ROD provides the BLM Platte River Resource Area Manager approval to permit the following project components to the extent they occur on public lands within the CGBW project area. Development beyond the specified levels will require the preparation of a supplemental environmental impact analysis.

- 107 new natural gas well sites
- 24 enlargements of existing well sites
- Access roads to well sites and facilities
- Gas gathering and transportation pipelines from producing wells
- 1 liquids recovery plant facility
- Ancillary facilities associated with well production, and gas gathering and transportation

- **Wells**

The drilling, completion, testing, and producing of up to 160 additional natural gas wells (from the 107 new and 24 enlarged well sites) represents all of the natural gas wells proposed for the CGBW Project area. The 160 wells are in addition to approximately 42 wells that have been drilled and developed or abandoned in the project area. The new and enlarged well sites are projected to disturb up to 313.45 acres.

- **Access Roads**

The construction and upgrading of access roads to well sites and facilities in the project area are projected to disturb up to 256.02 acres.

- **Pipelines**

The construction and operation of natural gas gathering and transportation pipelines in the project area are projected to disturb up to 183.92 acres. Gathering pipelines, including surface and buried pipelines, will be routed in a manner that best utilizes the existing topography or be parallel to existing roads in order to minimize surface disturbance.

- **Plant Facilities**

The construction and operation of a liquids recovery plant includes separator, dehydrator, and process heater equipment; compressors; generators; and, natural gas liquid storage tanks. The plant site is projected to disturb up to 10 acres.

- **Ancillary Facilities**

Construction and operation of produced water disposal equipment, individual well site compression, liquid recovery units, electrical power lines, gas metering stations, pipeline pigging facilities, field storage buildings, cathodic protection facilities, and other facilities needed to operate and produce the wells are projected to disturb up to 25 acres.

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SUMMARY OF THE CGBW DEVELOPMENT PROPOSED ACTION AND ALTERNATIVES

The project, as proposed by the Operators, is to develop natural gas reserves in sandstone reservoirs in the Lance and Fort Union Formations, as well as deeper horizons (Mesaverde and Muddy Formations). A gas well drilled into the Lance Formation requires approximately 20 days to drill vertically, and a Fort Union Formation well requires approximately 7 days to drill vertically. Deeper wells would require from 35 days (Mesaverde Formation) to 240 days (Muddy Formation) drilling time. Completion operations range from a minimum of 30 days for shallow wells, to more than 60 days for deep wells.

The Proposed Action outlines the drilling plans projected by the CGBW Operators for the next ten-year planning period, and would involve drilling and developing approximately 160 natural gas wells in addition to existing drilling and production operations. The total life expectancy of the CGBW natural gas production area is estimated by the Operators to be 30 to 40 years. Drilling estimations were based on reasonably foreseeable spacing and drilling projections in portions of the project area where the planned production and development activities would occur, as well as development of related roads, pipelines, and production facilities.

The Proposed Action and three development alternatives were analyzed in the EIS. In addition, three other alternatives were considered but were not analyzed in detail in the EIS.

- **Proposed Action**

The Proposed Action would provide a maximum development scenario of approximately 160 natural gas wells on 107 new well sites and 24 enlarged existing well sites with related facilities over the next 10-year planning period (1996-2006) within the project area. The proposed development is in addition to approximately 42 wells that have been drilled and developed or abandoned in the project area.

Construction of the Proposed Action would involve 313.45 acres of well pad disturbance, 256.02 acres of new road disturbance, 183.92 acres (37.93 miles) of cross-country pipeline disturbance, and 35 acres of ancillary facility disturbance, for a total of approximately 788.39 acres. Approximately 50 percent of this disturbed area would be reclaimed. Disturbances associated with well pads would be reduced by reclaiming cut, fill, and soil stockpiling areas. This would represent an approximate reduction of 82.45 acres for all new well pads and 128.01 acres for outside road ditches. All cross-country pipeline ROWs would be reclaimed representing an approximate reduction of 183.92 acres of disturbed area, thus reducing the total disturbance by 394.38 acres to 394.01 acres. The technical requirements for the Proposed Action are described in detail in the DEIS, Chapter 2, Section 2.2.

- **Alternative A**

Alternative A would involve drilling and developing approximately 99 new wells on 97 new well sites and 2 enlarged existing well sites, with related facilities over the 10-year planning period. Development under Alternative A is in addition to approximately 42 wells that have been drilled and developed or abandoned in the project area. Within each unit, or within individual leases that are not unitized within the project area, centralized facilities would be constructed for compression, condensate or water separation, and production treatment and storage. This alternative provides

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for a year-round raptor stipulation for selected ferruginous hawk nests and an increased distance of the seasonal raptor stipulation for the selected ferruginous hawk nests. Under Alternative A, casual use and unusual maintenance activities would be managed during raptor nesting periods.

The technical requirements for Alternative A are the same as described for the Proposed Action. The construction of this alternative would involve 268.35 acres of well pad disturbance, 223.88 acres of new road disturbance, 142.78 acres of cross-country pipeline disturbance, and 35 acres of ancillary facility disturbance, for a total of approximately 670.01 acres. A large portion of this area would be reclaimed as described under the Proposed Action, thus reducing the total disturbance by 362.97 acres to 307.04 acres.

- **Alternative B**

Alternative B would involve drilling and developing approximately 114 new well sites with related facilities over the 10-year planning period. Under Alternative B, an area adjacent to the project area is proposed for management as a Key Raptor Area (KRA). Development of existing leases in the KRA that contain raptor nests would be subject to a seasonal raptor nesting restriction unless or until field development is proposed. If oil and gas field development is proposed in the proposed KRA, the year-round buffer, increased seasonal buffer, and unusual maintenance stipulations would have to be evaluated in an environmental assessment and selected in the decision document before being implemented. Casual uses, such as those associated with recreation, would not be managed specifically, unless there were documented disturbances to raptor nesting.

The technical requirements for Alternative B are the same as described for the Proposed Action. The construction of this alternative would involve 313.50 acres of well pad disturbance, 256.86 acres of new road disturbance, 163.35 acres of cross-country pipeline disturbance, and 35 acres of ancillary facility disturbance, for a total of approximately 768.71 acres. A large portion of this area would be reclaimed as described under the Proposed Action, thus reducing the total disturbance by 420.28 acres to 348.43 acres.

- **Alternative C - No Action**

The Council of Environmental Quality regulations implementing Section 1502.14(d) of the NEPA requires that the alternatives analysis in the EIS "include the alternative of no action" (40 CFR 1502.14 (d)). For this project, the No Action Alternative is denial of the drilling and development proposal as submitted by the Operators. However, the Department of the Interior's authority to implement a "No Action" alternative which precludes drilling is limited. An explanation of this limitation and the discretion the Department has in this regard is as follows:

An oil and gas lease grants the lessee the "right and privilege to drill for, mine, extract, remove and dispose of all oil and gas deposits" in the leased lands, subject to the terms and conditions incorporated in the lease (Form 3110-2). Because the Secretary of the Interior has the authority and responsibility to protect the environment within federal oil and gas leases, restrictions are imposed on the lease terms.

The Tenth Circuit Court of Appeals in *Sierra Club vs. Peterson* (717 F. 2d 1409, 1983) found that "on land leased without a No Surface Occupancy stipulation, the Department cannot deny the permit to drill...once the land is leased the Department no longer has the authority to preclude

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surface disturbing activity even if the environmental impact of such activity is significant. The Department can only impose mitigation measures upon a lessee who pursues surface disturbing exploration and/or drilling activities." The court goes on to say "notwithstanding the assurance that a later site specific environmental analysis will be made, in issuing these leases the Department has made an irrevocable commitment to allow some surface disturbing activities, including drilling and road building."

Leases within the CGBW project area contain various stipulations concerning surface disturbance, surface occupancy and limited surface use. In addition, the lease stipulations provide that the Department of the Interior may impose "such reasonable conditions, not inconsistent with the purposes for which (the) lease is issued, as the (BLM) may require to protect the surface of the leased lands and the environment." None of the stipulations, however, would empower the Secretary of the Interior to deny all drilling activity because of environmental concerns.

Provisions in leases that expressly provide Secretarial authority to deny or restrict Application for Permit to Drill (APD) development in whole or in part would depend on an opinion provided by the U.S. Fish and Wildlife Service (FWS) regarding impacts to endangered or threatened species or habitats of plants or animals that are listed or proposed for listing (e.g., bald eagle). If the FWS concludes that the Proposed Action and alternatives would likely jeopardize the continued existence of any endangered or threatened plant or animal species, then the APD(s) and CGBW development may be denied in whole or in part.

Based on the above explanation, this alternative would deny the proposal as submitted but would allow consideration of individual development proposals on federal lands on a case by case basis through individual project and site-specific environmental analysis. Evaluation of transport of natural gas products would also be considered on a case by case basis. Additional gas development could occur on State and private lands within the project area under APDs approved by the Wyoming Oil and Gas Conservation Commission (WOGCC).

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

Alternatives considered but not analyzed in detail included the following:

- Designate the project area as an Area of Critical Environmental Concern (ACEC), with no further (or limited additional) mineral development. An ACEC constitutes a management designation through the land use planning process, and identifies a commitment to manage the designated area in such a way as to emphasize the designated values. (For the CGBW project area, the designated values would be management of raptor habitat.) By itself, designation of the project area as an ACEC does not constitute an alternative to the Proposed Action. As a result this alternative was not further evaluated in detail.
- Develop the gas resources without applying seasonal raptor management restrictions. Direct impacts to raptors while they are nesting could occur. This would be an unauthorized taking. The taking of any migratory bird, or bald or golden eagle, or the nest or eggs of any migratory bird, or bald or golden eagle, without a permit, would be in violation of Federal Law. As a result, this alternative was not further evaluated in detail.

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- An alternative to removal of liquid hydrocarbons at the proposed liquids recovery plant is to transport these liquids by pipeline for processing at another location. The KN Energy Pony Express Pipeline (DEIS, Figure 1-2), once operational, could transport the "wet" gas for processing at KN's Douglas, Wyoming plant. A new CIG pipeline could be constructed to transport the gas to Rawlins for processing. Under this scenario, the pipeline company(s) would gain the economic benefits from sale of the liquids removed. Under the Proposed Action for a recovery plant, the Operators would gain the economic benefits. Decisions on how, or if, liquid hydrocarbons are to be recovered before the natural gas is transported to market are based primarily on economics.

The BLM has no authority to require recovery of the liquids, or to specify the manner in which recovery would occur. No BLM authorization would be required if KN transported the gas to their Douglas plant, and there is no proposal before the BLM for a new CIG pipeline. Therefore, further consideration of this alternative was not warranted at this time. However, should the Operators choose not to pursue the recovery plant, the opportunity for a future new pipeline, or use of the existing pipeline does exist. A new pipeline would require further NEPA analysis.

The location of a liquid processing plant is greatly restricted by physical and engineering constraints. Some technical constraints include the need to connect the plant to transportation pipeline systems; the need for all weather access for operational purposes; and, close proximity to producing wells due to gas and pipeline pressures and associated compression. Information submitted for the plant includes information about alternative sites that were considered, including locations on private and/or state owned surface. However, the BLM does not have the authority to require a facility to be located on nonfederal surface. Therefore, in consideration of these limitations, a detailed analysis of alternative locations other than the site proposed by the Operators was not conducted.

MANAGEMENT CONSIDERATIONS/RATIONALE FOR DECISIONS

The decision to approve the CGBW Natural Gas Development Project Proposed Action takes into account the fact that natural gas is the U.S. Congress and President's energy of choice to comply with the Clean Air Act amendments of 1990, and helps meet the public need for cleaner burning, less polluting natural gas. The development effort will help meet public needs for natural gas while at the same time resulting in the least degree of irreversible, irretrievable commitment of resources. The long-term productivity of the area will neither be lost, nor substantially reduced, as a result of approving the CGBW Natural Gas Development Project.

The decision to approve the field development Proposed Action is based on careful consideration of a number of factors, including the following: (1) consistency with land use and resource management plans; (2) public involvement, scoping issues, and EIS comments; (3) relevant resource and economic considerations; (4) agency statutory requirements; (5) national policy; and (6) measures to avoid or minimize environmental harm.

1) Consistency with Land Use and Resource Management Plans - The decision to authorize the CGBW Proposed Action is in conformance with the overall planning direction for the area. The Platte River Resource Area Resource Management Plan (USDI-BLM 1985) states that "Oil and

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gas exploration and development will be authorized in accordance with lease provisions. Lease constraints and development will be subject to land use decisions described in the Planning Decisions section of the RMP Record of Decision."

2) Public Involvement, Scoping Issues, and EIS Comments - Opportunity for public involvement was provided throughout the environmental analysis process. On March 19, 1996 the BLM published in the Federal Register a Notice of Intent to prepare an EIS. The scoping statement provided information on the major gas reservoir discovery at Cave Gulch and interest by seven companies to develop the natural gas. The notice also served as an announcement for an open house and public scoping meeting scheduled for April 17, 1996. The notice also stated that BLM might allow some specified development during preparation of the EIS. The public was given until May 17, 1996 to comment on the natural gas development project as well as the on the criteria that would establish the level of activity that would be allowed while the EIS was underway. Copies of the scoping statement, press releases and letters were mailed to the media, governmental agencies, environmental organizations, industry representatives, individuals, landowners and grazing permittees.

The joint public meeting and open house was attended by 248 persons, of that, 30 persons gave public statements. Some 63 comment letters were received. All comments received were incorporated into the analysis of issues identified in the DEIS.

The issues were to allow interim development while the EIS was prepared; concerns on too much or too little studies and monitoring; concerns with recreation and wildlife management; the consideration of the social-economic benefits from the Proposed Action; the alternatives to be analyzed; the size of the area of analysis; correlative rights; and, general questions on the process for preparing an EIS.

On February 12, 1997, a press release was issued announcing the availability of the DEIS, a summary of the analysis and alternatives, deadline for comments, and announcing the scheduled March 11, 1997 public meeting and open house. On February 14, 1997, the Environmental Protection Agency Notice of Availability of the Draft EIS (DEIS) was published in the Federal Register. Over 600 copies of the DEIS were made available to the public and interested agencies for a 45-day public comment period. On February 20, 1997, the BLM published a Federal Register notice of availability and notice of an open house and public meeting scheduled for March 11, 1997 to accept comments and entertain questions. On March 3, 1997, a follow up press release was mailed to the media on the meeting set for the DEIS. About 136 persons attended the public meeting, and 27 persons provided comment. A transcript of the meeting comments is available for public review at the Casper District Office, 1701 East E Street, Casper, WY. The date by which the comments on the DEIS had to be received was April 1, 1997.

Sixty-five comment letters were received on the DEIS. The comment letters and the BLM's responses to the comments are contained in Sections 4 and 5, respectively, of the FEIS.

The FEIS was distributed to the public for review and comment on June 13, 1997. Notices of availability of the FEIS appeared in a press release issued June 13, 1997; a BLM-prepared Federal Register Notice on June 19, 1997; and, an Environmental Protection Agency-prepared Federal Register Notice on June 20, 1997. Approximately 400 copies of the FEIS were mailed to

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federal, state, and local government agencies, organizations, industries and individuals. The official FEIS 30-day comment period ended July 21, 1997.

Nineteen representatives of Native American Indian Tribes were notified by registered mail of the availability of the FEIS and their opportunity to provide comment, and they were mailed copies of the FEIS. The following Native American Indians were included in the mailing list: Crow, Arapaho, Northern Cheyenne, Shoshone, Eastern Shoshone, Northern Arapaho, Northern Cheyenne, and Ogallala Sioux. The Medicine Wheel Alliance was also sent a copy. Additional consultation and coordination was deemed unnecessary because none of the cultural resources discovered in the project area are of the type, density or distribution to suggest that there is any potential for the presence of Native American sacred sites or Traditional Cultural Properties. Instead, the known site inventory consists of routine domestic and utilitarian debris which lies well below the threshold of materials that would invoke evaluation as potential Traditional Cultural Properties. No written comments from Native Americans were received during the comment period for either the DEIS or FEIS.

The BLM received 5 letters commenting on the FEIS during the public comment period. All written comments were considered by the BLM in the preparation of the DEIS and FEIS, and in the preparation of this ROD. The comments received on the FEIS may be reviewed by contacting the BLM Area Manager, Mills, Wyoming.

The comments received on the CGBW FEIS did not include any new substantive information that necessitated revisions to the EIS. In summary, the common concerns were with BLM's responses to comments in the FEIS; support for the project because of the revenues that would be generated; the cumulative analysis on wildlife; and, concerns with the protection of ground and surface water resources.

The comments that provided specific information on air quality, pit liners, soil stabilization, the raptor mitigation, and possible correction of information in the FEIS were considered in reaching the decisions set forth in this ROD.

Written comments on the FEIS were received from the following:

- State of Wyoming
 - Office of State Lands & Investments
 - Wyoming Game & Fish Department
- United States Environmental Protection Agency
 - Region V111
- People for the West! State of Wyoming
- J.A. Rohn Consulting, Representing
 - Barrett Resources Corporation
- Chevron U.S.A. Production Company
- Renee C. Taylor

3) Relevant Resource and Economic Considerations - Several of the commentators on the Draft EIS and Final EIS raised similar concerns. The following areas of concern summarize those most

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commonly expressed by commentators. The BLM has considered these concerns in the process of reaching this decision, as summarized below. These have also been addressed in the FEIS.

- *The cumulative impacts to air quality resulting from the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project and numerous other proposed oil and gas activities in central Wyoming are not being adequately evaluated.*
- *The combined amount and type of mitigation restrictions proposed in the DEIS for the protection of raptors is excessive and will result in project construction and development crews being unable to work during six months out of the year.*
- *The DEIS did not adequately analyze the socioeconomic impacts of the seasonal restrictions for the Proposed Action and Alternatives.*
- *The DEIS did not adequately identify the significance of the potential revenue impacts of the Proposed Action and Alternatives on Natrona County and the Natrona County School District.*
- *The BLM failed to designate Natrona County as a "Cooperating Agency" under the National Environmental Policy Act and the Council on Environmental Quality regulations even though precedence has been set in other states and counties.*

The assessment of air quality impacts provided in the DEIS and FEIS considered cumulative impacts from the standpoint of assessing the potential impacts from all existing, reasonably foreseeable and proposed sources of emissions. A wide range of mitigation measures was presented in the EIS, and the selected mitigation actions were chosen on the basis of their adequacy to offset or minimize the impacts anticipated from the Proposed Action, and to comply with Federal laws, State statutes, and BLM policy. Clarifications of the potential socioeconomic impacts of the seasonal restrictions are provided in the errata items for Section 4.11.3.1 and Section 4.11.4 in the FEIS. The DEIS (Section 4.11.3.1.11) provides a detailed discussion of the amount and types of tax revenues which would be generated by activities associated with the Proposed Action. The decision not to sign the "cooperating agency" agreement as drafted and submitted by Natrona County complies with the legal parameters for such agreements. The BLM/County agreements signed in other States have set no precedence because they are within the legal parameters.

4) Agency Statutory Requirements - The decision is consistent with all Federal, State, and County authorizing actions required to implement the Operator's Proposed Action (see DEIS Table 1-7 and FEIS page 2-9.) All pertinent statutory requirements applicable to this proposal were considered. These include consultation with the FWS regarding threatened, endangered, and candidate species; consultation with the Army Corp of Engineers; coordination with the State of Wyoming regarding wildlife, environmental quality, and oil and gas conservation; and Natrona County Commissioners for coordination of construction and use permits.

5) National Policy - Private exploration and development of federal oil and gas leases is an integral part of the BLM oil and gas leasing program under authority of the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. Natural gas is the "energy-of-choice" by the Congress and President because it is clean burning and less polluting. Therefore, the decision is consistent with national policy.

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6) Measures To Avoid or Minimize Environmental Harm - The adoption of the mitigation measures identified in the Cave Gulch-Bullfrog-Waltman Draft and Final EISs and contained in Appendices A and B of this decision represent all practicable means to avoid or minimize environmental harm.

COMPLIANCE AND MONITORING

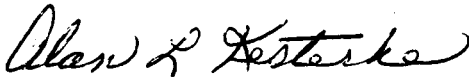
Because of the importance of mitigation for avoiding or minimizing adverse impacts, a monitoring program shall be implemented by the CGBW Operators and/or BLM. Guidelines for monitoring are set forth in Appendices A and B of this decision. The BLM in coordination with the Operators or their contractor will conduct monitoring in accordance with the provisions of this decision. The Operators and/or the BLM will provide qualified representatives to monitor and validate construction and reclamation, and provide for compliance commensurate with this decision.

The EIS prepared on the CGBW Natural Gas Development proposal will guide implementation of the natural gas development; however, it is not the final environmental review upon which approval of all actions in the area will be based. Site specific evaluations will be required for each well and associated access roads, pipelines, and other actions in accordance with the BLM National Environmental Policy Act Handbook (H-1790-1). This provision for site specific evaluation of environmental protection needs will ensure that there is optimum consideration given to resource protection.

APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 3165.4(c). If an appeal is filed, your notice of appeal must be filed in this office (Bureau of Land Management, State Director, P.O. Box 1828, Cheyenne, Wyoming 82003) within 30 days of the date BLM publishes their notice of the decision in the *Casper Star Tribune*. The BLM notice is expected to be published the week of August 4, 1997. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 3165.4(c) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed in 43 CFR 3165.4(c). Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals and to the appropriate office of the Solicitor at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.



State Director

JUL 29 1997

Date